

# LEGISLATIVE FOCUS

COEUR D'ALENE TRIBE | LEGISLATIVE FOCUS | FEBRUARY 2010



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“The Coeur d’Alene Tribal Police Department provides unusually rigorous and comprehensive training for officers beyond what is mandated by the State of Idaho, so that our officers are ready and able to handle any kind of law enforcement activity that public safety calls for.”

KEITH HUTCHESON  
COEUR D'ALENE TRIBAL CHIEF OF POLICE



## Snapshot: The Coeur d’Alene Tribal Police Department

### Coeur d’Alene Tribal Law Enforcement

- All Coeur d’Alene Tribal police officers must have forty hours of training each year. (The state requires only forty hours of training every two years.)
- Activities of the Tribal Police Department, including arrests, drug-related arrests/charges, and assists to neighboring jurisdictions and the Federal Bureau of Investigation, average more than 30,000 incidents per year.
- The department includes thirteen full-time officers, five reserve officers, and one conservation officer.
- Coeur d’Alene Tribal police officers are required to attend a ten-week Idaho Peace Officer Standards and Training (POST) Academy. When they have completed the POST Academy, they return and complete a state-certified, fourteen-week Field Training Program.
- Coeur d’Alene Tribal police officers are cross-deputized with the City of Plummer and Kootenai County.
- After completion of probation and completion of all training hours, each officer applies for basic certification through the State of Idaho.
- Coeur d’Alene Tribal police officers undergo a rigorous physical test and exam each year to maintain good health.

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- Leadership
- Vision
- Pride
- Community

“We place a high value on our uniformed police officers and take pride in their integrity and expertise.”

CHIEF J. ALLAN  
COEUR D'ALENE TRIBAL CHAIRMAN



### STATE AND INDIAN TRIBAL COOPERATIVE LAW ENFORCEMENT ACT **SITCLEA: Vital to Public Safety**

Dear Friends,

As we begin another legislative session with many important issues at stake, one initiative in particular deserves our focus and attention: the State and Indian Tribal Cooperative Law Enforcement Act (SITCLEA).

**Public safety lies at the heart of this legislation.** We have witnessed many instances in which the law could not be enforced in our community because of challenging jurisdictional issues. This gap in coverage is making Indian reservations safe havens for drug traffickers, sex offenders, and other criminals—an unacceptable situation for all citizens of Idaho. We know that action must be taken.

**After consultation with other tribes and with state and local law enforcement officials, we now propose SITCLEA** as an option to increase public safety for all who reside within the boundaries of Indian reservations.

SITCLEA will allow tribes to elect for their trained and Idaho POST Academy-certified tribal peace officers to enforce state laws during law enforcement activities within the exterior boundaries of their reservation. This legislation stipulates that tribes must maintain adequate liability insurance and agree to a limited waiver of immunity to participate in SITCLEA.

This legislation does not preclude or override agreements negotiated by local law enforcement agencies and tribes, and in fact encourages negotiations for local cooperative agreements that foster better communication and allocation of resources.

In these times of economic challenge and population growth, SITCLEA provides an effective means of enhancing and maximizing law enforcement efforts, conserving assets, and strengthening communities.

**I encourage our elected leaders to learn more about SITCLEA**, to ask questions, and to engage in a civil debate for the act’s successful passage. The safety of the public is at stake. Our families, our children, and our communities cannot wait.

Regards,

Chief J. Allan

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## What is the State and Indian Tribal Cooperative Law Enforcement Act?

The proposed law gives tribes in Idaho the ability to enforce state laws only on Indian reservations. The prosecution of any non-Indian arrested or cited by a tribal police officer would be assigned to state court, not tribal court. In order to enforce state laws, tribal police officers must receive the same high quality training as county or city officers and be certified by the state's police academy, Idaho POST. It's important to know that this bill is not cross-deputization. The bill provides county sheriffs with the opportunity to negotiate cooperative law enforcement agreements with tribes if they so desire—but are not forced to take any action. If after six months, a county and a tribe are unable to reach an agreement, the law would give tribes an avenue to protect reservation communities by allowing qualified tribal police to enforce state laws when necessary.

## Why is this needed?

Criminals are repeatedly being set free on Indian reservations because tribal police do not have the authority to enforce state laws and the county or state police cannot or will not respond. It is common for Coeur d'Alene Tribal Police Officers to have suspects of various crimes in custody only to release them. The Coeur d'Alene Tribal Police officers affirmed that over a thousand individuals suspected of crimes in 2009 were turned loose unpunished because the state or local agencies were unwilling or unable to respond. When a tribal peace officer detains a non-Indian offender for committing a crime, he/she must wait for a county or state peace officer to arrive to make an arrest. This inefficiency can take hours for a county/state officer to arrive and many times the county/state officers are unable or unwilling to respond. Because the courts have determined that a suspect can only be detained for a reasonable time, tribal police officers have little choice other than to release an individual. This is a recurring problem on Indian reservations across the state, where drunken drivers go unpunished or drug dealers operate with no fear of prosecution. The Coeur d'Alene Tribal Police Department says they receive complaints regularly from non-Indians living on the reservation that they are being ignored by the county deputies simply because they live on an Indian reservation. To often, Tribal Police officers have to tell non-Indians, "We're sorry, but we can't help you."

STATE AND INDIAN TRIBAL COOPERATIVE LAW ENFORCEMENT ACT

## SITCLEA: Maximizing Efficiency, Enhancing Public Safety

### Addressing a Unique Jurisdictional Problem

In the state of Idaho, tribal police have criminal jurisdiction over only Indian offenders on the reservation. State and county police have criminal jurisdiction over only non-Indian offenders, with some exceptions. This unique jurisdictional situation limits police from enforcing criminal laws in Indian Country and negatively impacts public safety. The proposed State and Indian Tribal Cooperative Law Enforcement Act (SITCLEA) will address jurisdictional problems and enhance public safety for all residents of Idaho's Indian reservations.

### Increasing Public Safety

Crime rates within Indian reservation boundaries are significantly higher than the rest of the nation. Complicated jurisdictional issues are a major factor contributing to this problem. SITCLEA addresses jurisdictional issues by enhancing and combining qualified law enforcement efforts to maximize efficiency, save money, and make reservation communities safer.



### Minimizing Liability

SITCLEA directly and adequately addresses the concern of liability. It would expose counties to less liability than cross-deputization. Much of SITCLEA's relevant liability language is taken verbatim from existing Idaho Counties Risk Management Program-approved agreements with tribes.

■ SITCLEA authorizes tribal peace officers to enforce applicable Idaho laws only when they have satisfied the same certification and training qualifications as other peace officers in the state of Idaho. Only POST Academy trained and certified peace officers are eligible to act under SITCLEA.

■ Tribes must maintain a comprehensive liability insurance policy worth at least \$2 million for any and all claims, losses, actions, and judgments arising out of the conduct of tribal police officers under SITCLEA.

■ Counties in which tribal peace officers are enforcing state law are protected from liability, and SITCLEA provides that tribes must agree to a limited waiver of immunity.

### Strengthening Relationships and Maximizing Resources

SITCLEA strengthens the relationship between county, city, state, and tribal law enforcement agencies by increasing communication, information sharing, and mutual assistance.

■ As resources diminish, it makes sense for tribal and non-tribal police departments to work together.



## Challenges

The challenges of law enforcement jurisdiction have resulted in epidemic levels of methamphetamine abuse on reservations—three times higher than the national average. Nationally, Native Americans are victims of violent crimes nearly twice as often as any other race, and a high percentage of these and other crimes on reservations involve non-Indians. In order to address these problems, we must be united in the pursuit of public safety for all Idaho residents, regardless of race.

### Addressing Concerns About SITCLEA

This legislation encourages, but does not mandate, cooperative agreements between tribes and county law enforcement agencies.

■ This legislation does not broaden the jurisdiction that Indian tribes have over non-Indians or non-Indian-owned lands within the reservation. If a non-Indian criminal is arrested, he/she will be prosecuted in Idaho state court just as before. SITCLEA does not change this law.

■ SITCLEA does not force county sheriffs to enter into any agreement. SITCLEA provides the option for sheriffs and tribes who value cooperative agreements to have a reasonable time period in which to enter into such an agreement.

## Learn More About SITCLEA

We encourage you to call with questions, comments, or concerns:

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